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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,484	10/13/2000	Donald C. Jackson	0055-0014	9376

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HARRITY SNYDER, L.L.P.
11350 RANDOM HILLS ROAD
SUITE 600
FAIRFAX, VA 22030

EXAMINER
PHAN, MAN U

ART UNIT	PAPER NUMBER
2616	

MAIL DATE	DELIVERY MODE
04/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action *Before the Filing of an Appeal Brief*	09/687,484	JACKSON ET AL.
	Examiner	Art Unit	
	Man Phan	2616	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>19 March 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: <u>36-41</u>.

   Claim(s) objected to: <u>20,21,25,26,32 and 33</u>.

   Claim(s) rejected: <u>1-8,16-19,22,27-31 and 34-41</u>.

   Claim(s) withdrawn from consideration: <u>9-15,23,24 and 42-66</u>.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
    <u>See attached page.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

Advisory Action

1.   The affidavit, exhibit or request for reconsideration has been considered but does not

place the application in condition for allowance because:

Applicant's arguments are not persuasive. It's the examiner's position that the reference is

applied herein for the teaching of a novel method and system for a VoIP telephony gateway

server and the speech application which can establish the VoIP communications path through the

VoIP-compliant call control interface. Aldous et al. disclose in Figs. 1 & 2 block diagrams

illustrated a VoIP based speech system for servicing a call received over a PSTN comprising: a

PSTN-to-IP gateway 3 for connecting to the PSTN 2; an IP network medium 4 connected to the

gateway; and a network server 7 in communication with the IP network medium 4 for automated

interaction with a user 1 participating in the call (Col. 5, lines 20 plus). Aldous further teaches in

Fig. 2 illustrated more detail of the VoIP telephony gateway server 3, in which the VoIP

gatekeeper 14 (*proxy server functionality*) can perform load balancing in order to ensure the high

availability of VoIP enabled speech servers 5 (*plurality of network servers*) able to receive the

voice call (Col. 5, line 59 to Col. 6, line 18). Furthermore, Aldous teaches a VoIP-based speech

system, in which a VoIP telephony gateway server; at least one speech server, each speech server

containing a VoIP-enabled speech application; a VoIP-compliant call control interface between

the VoIP telephony gateway server and the speech server; and, a VoIP communications path

between the VoIP telephony gateway-server and the speech application in the at least one speech

server (*providing automated dynamic management of the network server*)(see Fig. 2; Col. 2, lines

35 plus). In the same field of endeavor, Submaramaniam et al. (US#6,070,187) discloses a
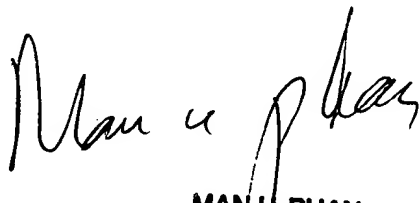
method and apparatus that allows a network node to be automatically configured with an IP address and a default gateway address to be configured as its own gateway. The configuration agent resides on a network device (such as a switch or bridge) that is coupled to two network segments, with one network segments including a node to be configured and another network segment including a server capable of automatically providing configuration parameters. The configuration agent acts as a snoopy agent. Messages from the configuration server to the node to be configured are "snooped" to discover messages containing an IP address and a default gateway address. Such messages are altered to copy the IP addresses offered to the nodes seeking configuration to the default gateway addresses, and the messages are sent on their way, thereby causing nodes seeking to be configured to be configured as their own default gateway. In some configurations, messages from the node to be configured to the configuration server are altered to ensure that messages from the configuration server to the node seeking to be configured are broadcast messages (See Figs. 3, 6; Col. 6, lines 25 plus).

Examiner maintains that the references cited and applied in the last office actions for the rejection of the claims 1-8, 16-19, 22, 27-31 and 34-41 are maintained in this office action. The final rejection mailed on January 19, 2007 is therefore maintained.

Mphan.

03/29/2007

MAN U. PHAN
PRIMARY EXAMINER